

REMARKS/ARGUMENTS

Reconsideration of this application is requested. Claims 40-69 remain pending in the application and are the subject of a requirement for restriction.

In order to more specifically define the claims mentioned, claim 40 has been amended. Basis for the amendments to claim 40 are as follows:

Basis for the feature that the composition is in the form of an emulsion can be found, for example, on page 9, lines 11-13 of the description and in the paragraph bridging pages 5 and 6. Basis for the amendments to specify the presence of an aqueous diluent and an emulsifier can be found in original claims 2 and 5 respectively. Basis for the amendment to specify the presence of astaxanthin esterified to fatty acid acyl groups can be found at page 7, lines 14-15 of the description and basis for the amendment to specify the presence of astaxanthin can be found, for instance at page 4, lines 3 and 11 as well as in the examples.

Responsive to the requirement for restriction, applicants elect the subject matter of Group I, namely claims 40-61 and 69. This response is made with traverse to the extent that claims 62-68 may be rejoined during further examination of this application.

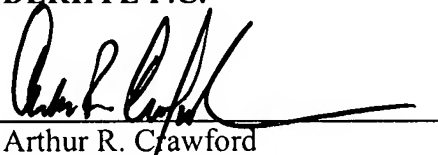
The Official Action also requests election of species as specified in the second and third paragraphs of page 3 of the Action. Applicants elect "vitamins" as the elected species.

An examination on the merits is awaited taking into account the Information Disclosure Statements of June 23, 2005 and September 6, 2005.

Respectfully submitted,

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